

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KIMBERLY A. MORELAND,

Plaintiff,

v.

Case No. 12-C-1125

**JEH JOHNSON,
Secretary of the United States
Department of Homeland Security,**

Defendant.

DECISION AND ORDER

On September 23, 2014, this Court issued a decision and order granting Defendant Jeh Johnson's ("Johnson") motion for judgment on the pleadings, dismissing for failure to exhaust administrative remedies Plaintiff Kimberly A. Moreland's ("Moreland") action alleging discrimination and retaliation by the Department of Homeland Security ("DHS"). (ECF No. 24). Final judgment was entered on September 23. (ECF No. 25.) Moreland filed a motion pursuant to Rule 59(e) contending there is the need to correct a clear error of law and fact and the need to prevent a manifest injustice. (ECF No. 26.) Johnson contends that Moreland is re-hashing her previous arguments. (ECF No. 27.)

Rule 59(e) allows a court to alter or amend a judgment only if the movant can establish a manifest error of law or can present newly discovered

evidence. *Anderson v. Catholic Bishop of Chi.*, 759 F.3d 645, 652–53 (7th Cir. 2014) (citing Fed. R. Civ. P. 59(e)). Moreland’s motion focuses on the Court’s determination that although Moreland claimed exhaustion of 29 C.F.R. § 1614.106(d), asserting that she sought to amend the *Moreland I* complaint during the hearing to include the claim for travel expenses, “Moreland did not express a desire to amend her complaint, she simply stated her displeasure that the other witnesses were being compensated for their time and she was not. (Compl., Ex. A 5.) (ECF No. 1-1.)” (Decision and Order, 6.)


The Court has reviewed its entire decision with particular attention to the portion quoted above and the underlying cited factual material, as well as the record in this matter and concludes that, essentially, Moreland has restated prior arguments the Court has rejected and has not established a manifest error of law. Therefore, her Rule 59(e) motion is denied.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

Moreland’s Rule 59(e) to alter judgment (ECF No. 26) is **DENIED**;

Dated at Milwaukee, Wisconsin, this 16th day of December, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge